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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,284	12/03/2003	Vernon George Houle	LAMA122031	4678
26389	7590	12/14/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			STONE, JENNIFER A	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2636	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. **10/727,284**

Applicant(s)

HOULE, VERNON GEORGE

Examiner

Jennifer A. Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-11 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 11 is objected to because of the following informalities: "aalarm" line 11.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 recites the limitation "the voice" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McLintock et al. (US 2002/0099945).

McLintock discloses a method of controlling movement on the inside and around the outside of a facility, comprising the steps of: providing each person within the facility with a transmitter which emits a unique personality profile (paragraph 0012, Ins 1-8; parag 0029, Ins 8-17; parag 0037, Ins 14-21) embedded in the unique personality profile is an access level for that person selected from multiple access levels (parag 0012, Ins

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11-14), the transmitter having a proximity detector (Fig. 1, item 82; parag 0027, Ins 4-9; parag 0029, Ins 1-11); providing each security door with a detection loop defining a field (proximity loop or proximity detection area), lock, a receiver and a controller at the security door (parag 0027, Ins 1-5; Fig. 2, items 26, 28) the proximity detector of the transmitter being excited when the transmitter approaches the detection loop causing the transmitter to emit the unique personality profile, the receiver receiving the unique access personality profile from the transmitter (Fig. 1, items 28, 24), the controller reviewing an access level embedded in the unique personality profile without reference to personnel data files (parag 0012, Ins 10-14; parag 0043, Ins 1-6 and last 5 lines) and unlocking the lock to the security door to permit access only when the unique personality profile has an appropriate access level (parag 0012, Ins 10-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock, as applied to claim 1, and further in view of Beigel et al. (US 2003/017049).

For claim 2, McIntock does not disclose the transmitter being secured to a person with a tamper-resistant band. However, Beigel discloses this feature (parag

0021, Ins 7-17). It would have been obvious to include a transmitter in a tamper-resistant band so that the band (along with the personality profile) is not easily lost or stolen.

For claim 3, McLintock does not disclose the controller initiating an alarm condition when the tamper-resistant band is removed. However, Beigel discloses this feature (parag 0028, Ins 5-12 and 27-30). It would have been obvious to include an alarm condition when the band is removed so that a breach of security is acknowledged.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock, as applied to claim 1, and further in view of Steeves (US 6,570,487).

McLintock discloses a transmitter that includes a unique personality profile of a person that includes an access level; however, McLintock does not initiate an alarm upon an inappropriate access level. However, Steeves discloses a controller initiating an alarm condition when the person passing through the security door is not at the appropriate access level (col 1, Ins 59-65; col 4, Ins 6-8; col 10, Ins 51-61; col 11, Ins 6-9). It would have been obvious to emit an alarm condition so that employees with access to low-level security areas acknowledge (by the alarm condition) inappropriate behavior if they attempt to enter a high-level security area.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock, as applied to claim 1, and further in view of Muhme (US 5,886,634).

McLintock discloses a unique personality profile, but does not disclose a controller permitting an unauthorized person access only by an accompanying person

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with a unique personality profile. However, Muhme discloses a controller permitting an unauthorized person access when accompanied by an accompanying person with an identification tag that is at the appropriate access level (col 1, Ins 43-49; col 2, Ins 50-56; col 3, Ins 4-10 and 15-20; col 8, Ins 38-42). It would have been obvious to permit an unauthorized person access with an authorized person to facilitate a productive working environment.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock, as applied to claim 1, and further in view of Hyatt, Jr. (US 5,319,362).

McLintock does not disclose granting access to persons with certain access levels only when weather conditions are appropriate; however, Hyatt discloses some variable access security doors, which are accessible to some access levels only when weather conditions are appropriate and granting access to persons with access levels only when weather conditions are appropriate (col 5, Ins 3-10). For instance, depending on the appropriate weather condition, the door will either lock or unlock. Even though Hyatt does not specifically disclose that the controller receives weather-monitoring input, it would have been obvious that the controller receives some type of weather related input (via sensors, detectors, etc...) to provide direction to the door. In addition, it would have been obvious to monitor the weather to determine door status so that the facility does not experience adverse conditions in the facility due an opened door.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock, and Steeves, and further in view of Werb et al. (US 6,700,533).

McLintock does not disclose the transmitter to include a global positioning module system (GPS); however, Werb discloses a transmitter, associated with an individual, that includes a GPS which remains dormant until activated by a particular condition (such as motion) (col 2, lns 5-11, 21, 22; col 5, lns 1-5; col 6, lns 28-31). Even though Werb does not specifically disclose that the tag is active upon an alarm condition, it would have been obvious that the tag remains dormant and is activated upon motion so that an individual within a facility can be monitored via their movement, not just upon entry and exit locations. In addition, the condition (i.e. movement/alarm) of the tag is conducive to saving power when the tag is only activated when the condition is sensed.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLintock et al. (US 2002/0099945), and further in view of Nykerk (US 5,315,285).

McLintock does not disclose a controller having a voice module. However, Nykerk discloses this feature. In addition, Nykerk discloses the controller causing the voice module to emit an audible message as long as an unauthorized person remains within the field defined by the detection loop causing the voice module to emit an audible message as long as an unauthorized person remains within the field defined by the detection loop (col 3, lns 36-46; col 4, lns 6-36). It would have been obvious to include a voice module on the controller so that a specific warning or information pertaining to a warning is relayed to an unauthorized person so that the unauthorized person leaves a protected area.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock et al. (US 2002/0099945), and further in view of Nykerk (US 5,315,285).

McIntock discloses a method of controlling movement on the inside and around the outside of a facility, comprising the steps of: providing each person within the facility with a transmitter which emits a unique personality profile (paragraph 0012, Ins 1-8; parag 0029, Ins 8-17; parag 0037, Ins 14-21) embedded in the unique personality profile is an access level for that person selected from multiple access levels (parag 0012 Ins 11-14, parag 0013, Ins 7-11; parag 0043, Ins 3-7), the transmitter having a proximity detector (Fig. 1, item 82; parag 0027, Ins 4-9; parag 0029, Ins 1-11); providing a detection loop defining a field (proximity loop or proximity detection area), a receiver and a controller (parag 0027, Ins 1-5; Fig. 2, items 26, 28) the proximity detector of the transmitter being excited when the transmitter approaches the detection loop causing the transmitter to emit the unique personality profile, the receiver receiving the unique personality profile from the transmitter (Fig. 1, items 28, 24), the controller reviewing the access level embedded in the unique personality profile without reference to personnel data files (parag 0012, Ins 10-14; parag 0043, Ins 1-6 and last 5 lines). McIntock, however, does not disclose a controller with a voice module. Nykerk, on the other hand, does disclose a voice module on a controller where a controller causes a voice module to emit an audible message should an unauthorized person venture within the field defined by the detection loop (col 3, Ins 36-46; col 4, Ins 6-36). It would have been obvious to include a voice module on the controller so that a specific warning or

information pertaining to a warning is relayed to an unauthorized person so that an unauthorized person leaves a protected area.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntock et al. (US 2002/0099945), and further in view of Nykerk (US 5,315,285).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1, 9, and 10 as stated above.

Response to Remarks

15. Applicant's arguments filed November 17, 2005 have been fully considered but they are not persuasive.

The Applicant argues as follows:

- a. McIntock does not disclose a detection loop.
- b. McIntock does not include embedded access included in the transmitter.
- c. McIntock uses alarm and audible cautions based on proximity, whereas McIntock discloses an access system.

a. In the applicant's remarks at the bottom of page 5 and top of page 6, "The present invention is set up so that a person need only walk toward a door and does not need to input any code". This same set up is disclosed in McIntock with the use of a proximity detector (parag 0029, lns 1-4). In other words, a detection loop defining a field is an inherent property of a proximity card reader system. Furthermore a proximity key or transmitter will become excited when the transmitter approaches the detecting loop. Therefore, McIntock discloses a detection loop.

b. Embedded access is in both the transmitter (key) and the receiver since the information on the key is verified with the information at the receiver (parag 0012, Ins 10-14; parag 0013, Ins 7-11. In addition, the door controller reads the information on the key prior to verifying that the key has access to an authorized area. Thus, McLintock does not disclose that an access level is solely provided with reference to a personnel data file.

c. The combination of McLintock and Nykerk meet all the limitations of the present invention, including alarms and audible warnings based on proximity.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

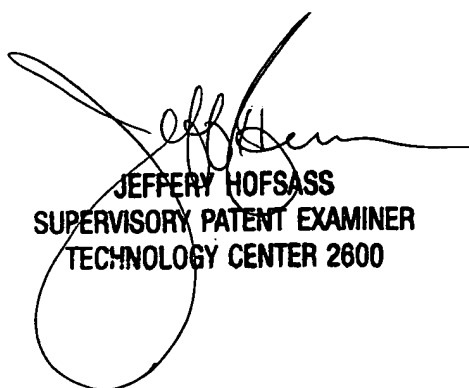
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Stone whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Stone
December 8, 2005



JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600